

ARKANSAS STATE BOARD OF HEALTH

RULES AND REGULATIONS PERTAINING TO IMMUNIZATION REQUIREMENTS



**Promulgated Under the Authority of
Ark. Code Ann. §§ 20-7-109, 6-18-702, 6-60-504, and 20-78-206.**

By the Arkansas State Board of Health

**Arkansas Department of Health
Little Rock, Arkansas
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RULES AND REGULATIONS PERTAINING TO IMMUNIZATION REQUIREMENTS

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SECTION I. AUTHORITY.

The following Rules and Regulations Pertaining to Immunization Requirements are duly adopted and promulgated by the Arkansas State Board of Health pursuant to the authority expressly conferred by the laws of the State of Arkansas including, without limitation, Ark. Code Ann. § 20-7-109 and Ark. Code Ann. §§ 6-18-702, 6-60-504, and 20-78-206.

SECTION II. PURPOSE.

Immunizations against poliomyelitis, diphtheria, tetanus, pertussis, red (rubeola) measles, rubella, and other communicable diseases have resulted in a dramatic decrease in the incidence of these diseases in Arkansas. However, these diseases continue to occur in childcare facilities, schools, and colleges and universities. A requirement that children and students furnish proof that they have immunity against certain communicable diseases will alleviate the potential for an outbreak of those diseases.

SECTION III. IMMUNIZATION REQUIREMENTS.

A. Childcare and Early Childhood Education Facilities.

1. Except as otherwise provided in these regulations, no infant or child shall be admitted to attend a child care facility in this state who has not been age-appropriately immunized against poliomyelitis, diphtheria, tetanus, pertussis, red (rubeola) measles, rubella, *Haemophilus influenzae type b*, hepatitis B, and varicella (See Table I.), as evidenced by a certificate of a licensed physician or a public health department acknowledging the immunization.

2. Every child must have received all of the vaccines or be in-process for receiving needed doses listed in Table I for their age in order to continue attendance in a childcare

facility. If the child does not meet the immunization requirements for entering the childcare facility refer the child to a medical authority (private doctor or health department) for immunization or consultation for when the immunization is due.

3. A facility may temporarily admit a child provided that the child becomes age-appropriately immunized or is in-process of receiving the needed doses of vaccine within fifteen (15) program days after the child's original admission.

4. Childcare facilities are required to evaluate the immunization status of all children in their facilities. Table I is used to determine if the child meets the immunization requirements to be admitted to and continue attendance in a childcare facility.

B. Kindergarten Through Grade Twelve.

1. Except as otherwise provided in these regulations, no child shall be admitted to a public or private school of this state who has not been immunized against poliomyelitis, diphtheria, tetanus, pertussis, red (rubeola) measles, rubella, mumps, hepatitis B, and varicella (See Table II.), as evidenced by a certificate of a licensed physician or a public health department acknowledging the immunization.

2. The requirements for entry into school, irrespective of grade, are at least three doses of Diphtheria/Tetanus/ Acellular Pertussis (DTaP), Diphtheria/Tetanus/Pertussis (DTP), Diphtheria/Tetanus (DT pediatric), or Tetanus/Diphtheria (Td Adult), at least three doses of polio vaccine; two doses of Rubeola (measles) vaccine, one dose of Rubella (German measles) vaccine and one dose of Mumps vaccine. Additionally, an appropriate series of Hepatitis B vaccine and one dose of Varicella (chickenpox) vaccine are required for students entering Kindergarten. An appropriate series of Hepatitis B is required for Transfer students (students not in your school district last school year) and students entering the seventh grade. (See Table II.)

3. School officials are required to evaluate the immunization status of all children in their facilities. Table II is used to determine if the child meets the immunization requirements to enter school.

C. Colleges and Universities.

1. No part-time student housed in on-campus premises and no full-time student may attend a public or private college or university in this state unless he or she has furnished proof, within such time as set by the college or university, but not to exceed thirty (30) calendar days after enrollment, by way of an official record from another educational institution in Arkansas or a certificate from a licensed medical doctor or an authorized public health department representative, that he or she has immunity against measles and rubella. Immunity can be shown by providing a serological test confirming immunity or having received two doses of measles and one dose of rubella.

D. Documentation

1. The following documentation of immunizations is required:

a) All schools, childcare facilities, and colleges and universities may use the Arkansas Immunization/Health Record as a standard form for recording immunization information. Entities may order the form from the Arkansas Department of Health. Immunization records may be stored on a computer

database, such as the Arkansas Public School Computer Network (APSCN), as long as a copy of the original source document is contained in the individual's permanent file. It shall be the responsibility of the entity to maintain a list of individuals not appropriately immunized, and a list of individuals with medical, religious or philosophical exemptions.

b) The only proof of immunizations to be accepted shall be a certificate by a licensed physician, health department, or the military service, acknowledging the same, stating the vaccine type, and dates of vaccine administration must be provided and entered on the school record. Terms such as "up-to-date", "complete", "adequate", etc. are not to be used.

E. The Department of Health is charged with the responsibility of immunizing all children who need vaccine.

SECTION IV. EXEMPTIONS.

A. General Requirements.

1. With the exception of medical exemptions for college and university students, exemptions shall be granted only by the Department of Health.

2. Individuals shall complete an annual application for medical, religious, and philosophical exemptions.

3. A notarized statement by the individual requesting the exemption must accompany the application.

4. All individuals requesting an exemption must complete an educational component developed by the Department of Health that includes information on the risks and benefits of vaccinations.

5. All individuals must sign an "informed consent" form provided by the Department of Health that includes:

a) A statement of refusal to vaccinate;

b) A statement of understanding that at the discretion of the Department of Health the non-immunized child or individual may be removed from the applicable facility during an outbreak if the child or individual is not fully vaccinated; and

c) A statement of understanding that the child or individual shall not return to the applicable facility until the outbreak has been resolved and the Department of Health approves the return.

B. Medical Exemptions.

1. Only a letter issued by the MEDICAL DIRECTOR, DIVISION OF COMMUNICABLE DISEASE/IMMUNIZATION, stating the vaccine or vaccines for which a child is exempt is to be accepted as a valid medical exemption by the school or childcare facility. Statements from private physicians are not to be accepted by the school or childcare facility without this letter.

2. Any individual who has had a vaccine-preventable disease, as documented by an

appropriate diagnostic or blood serology test, should not be required to have the vaccine for that disease. An individual who is uncertain of their disease history, has lost his/her immunization records or whose serology test results are unavailable should be properly immunized for those diseases.

3. If a medical doctor licensed to practice in Arkansas determines that an individual is deemed to have a physical disability which may contraindicate one (1) or more of the required vaccinations, a certificate approved by the Department of Health and signed by the medical doctor may be accepted by a college or university in lieu of proof of vaccination.

C. Religious Exemptions.

1. In addition to the general requirements found in section IV(A), the Arkansas Department of Health's standard form for religious exemptions must be submitted to the Division of CD/Immunization. This form is available from the Arkansas Department of Health upon request. A notarized statement is required from the parents or legal guardians that immunization conflicts with their religious beliefs.

D. Philosophical Exemptions.

1. In addition to the general requirements found in section IV(A), the Arkansas Department of Health's standard form for philosophical exemptions must be submitted to the Division of CD/Immunization. This form is available from the Arkansas Department of Health upon request. A notarized statement is required from the parents or legal guardians that immunizations conflict with their philosophical beliefs.

SECTION V. EXCLUSION FROM FACILITIES.

A. Childcare and Childhood Education Facilities

1. Children will not be allowed to attend a childcare facility unless they can document appropriate immunizations or are in the process of completing the minimum requirements. "In process" means they have received at least one dose of the required immunizations and are waiting the minimum time interval to receive the additional doses. When a student is admitted who is in the process of completing the required minimum immunizations, it is the responsibility of the childcare facility to assure the child completes the required doses on schedule. A written statement from a public health nurse or private physician stating that the child is in process and containing a date when he/she must return for the next immunization should be in the child's file. If a child does not produce documentation of additional immunization per the schedule, they must be excluded from the childcare facility until documentation is provided. The immunization series does not need to be restarted as each dose of vaccine counts toward the minimum requirement.

B. Kindergarten Through Grade Twelve

1. The responsibility for the enforcement of these regulations rests equally with each school district of this state and the parent or guardian of the student and each of them shall be separately and individually liable for permitting any violation of this law. Students will not be allowed to attend school unless they can document appropriate immunizations or are in the process of completing the minimum requirements. "In

process” means they have received at least one dose of the required immunizations and are waiting the minimum time interval to receive the additional doses. When a student is admitted who is in the process of completing the required minimum immunizations, it is the responsibility of the school to assure the student completes the required doses on schedule. A written statement from a public health nurse or private physician stating that the child is in process and containing a date when he/she must return for the next immunization should be in the student’s file. If a student does not produce documentation of additional immunizations per the schedule, they must be excluded from school until documentation is provided. When students are in violation of the compulsory school attendance law, the local enforcing authority shall be notified. The immunization series does not need to be restarted as each dose of vaccine counts toward the minimum requirement.

C. Colleges and Universities

1. No part-time student housed in on-campus premises and no full-time student may attend a public or private college or university in this state unless he or she has furnished proof, within such time as set by the college or university, but not to exceed thirty (30) calendar days after enrollment, by way of an official record from another educational institution in Arkansas or a certificate from a licensed medical doctor or an authorized public health department representative, that he or she has immunity against measles and rubella.

D. An accurate and current list of all exempt and deficient individuals must be maintained. Individuals who are exempt or deficient (except those who have had the disease) will be excluded from the facility if the Health Department determines that a sufficient outbreak of the related disease exists in the local community.

SECTION VI. REPORTING REQUIREMENTS.

A. In order to identify areas where additional emphasis is needed and to measure levels of immunization compliance, the Arkansas Department of Health will conduct annual surveys and onsite immunization record audits of selected grades in all schools, childcare facilities, and colleges and universities. The entity’s cooperation in completing these surveys and audits is required.

B. The Department of Health shall report every six (6) months to the House and Senate Interim Committees of Public health, Welfare, and Labor regarding:

1. The geographical patterns of exemptions and vaccination rates of the state, and
2. Disease incidence of vaccine preventable disease collected by the Department of Health.

C. The collections of exemption information shall begin January 4, 2004.

D. The Department of Health shall facilitate a study to include religious, philosophical, and medical exemption patterns and the incidence of disease in the state.

1. The study shall include:

- a) An evaluation of the state's immunization policies;
 - b) The incidence of disease in Arkansas and other states; and
 - c) A risk evaluation of specific populations in Arkansas.
2. The study shall begin July 3, 2003, and shall be completed by December 31, 2004.

E. The study shall be a collaborative effort coordinated by the Department of Health. The Department of Health shall issue a final assessment on the impact of exemptions to the Senate and House Public Health, Welfare, and Labor Committees during the 2005 regular session of the General Assembly.

SECTION VII. PENALTIES.

Every firm, person, or corporation who violates any of the rules or regulations issued or promulgated by the State Board of Health may be assessed a civil penalty by the board. The penalty shall not exceed one thousand dollars (\$1,000) for each violation. Each day of a continuing violation may be deemed a separate violation for purposes of penalty assessments. However, no civil penalty may be assessed until the person charged with the violation has been given the opportunity for a hearing on the violation.

SECTION VIII. SEVERABILITY.

If any provision of these Rules and Regulations, or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of these Rules and Regulations which can give effect without the invalid provisions or applications, and to this end the provisions hereto are declared to be severable.

SECTION IX. REPEALING CLAUSE.

All Regulations and parts of Regulations in conflict herewith are hereby repealed.

**TABLE I.
CHILDCARE FACILITIES**

AGE	DTaP DTP/DT	POLIO	Hib	HEPATITIS B	MMR*	VARICELLA**
0-2 months	None	None	None	None (1-2 doses possible)	None	None
3-4 months	1 dose	1 dose	1 dose	1 dose (2 doses possible)	None	None
5-6 months	2 doses OR 1 dose within last 2 months	2 doses OR 1 dose within last 2 months	2 doses OR 1 dose within last 2 months	2 doses OR 1 dose within last 2 months	None	None
7-12 months	3 doses OR 1 dose within last 2 months	2-3 doses OR 1 dose within last 2 months	2-3 doses OR 1 dose within last 2 months	2 doses OR 1 dose within last 2 months	None	None
13-15 months	3 doses OR 1 dose within last 2 months	2-3 doses OR 1 dose within last 2 months	2-3 doses OR 1 dose within last 2 months	2 doses OR 1 dose within last 2 months	None (1 dose possible)	None (1 dose possible OR History of disease)
16-18 months	3 doses OR 1 dose within last 2 months	2-3 doses OR 1 dose within last 2 months	3-4 doses with last dose on/after 1 st birthday OR 1 dose on/after 15 months of age	2 doses OR 1 dose within last 2 months	1 dose	None (1 dose possible) OR History of Disease

AGE	DTaP DTP/DT	POLIO	Hib	HEPATITIS B	MMR*	VARICELLA**
19-48 months	4 doses OR 3 rd dose within last 6 months OR 1 dose within last 2 months	3 doses OR 1 dose within last 2 months	3-4 doses with last dose on/after 1 st birthday OR 1 dose on/after 15 months of age	3 doses*** OR 2 doses with 3 rd dose due 5 months after 2 nd dose OR 1 dose within last 2 months (Child must be at least 6 months of age for 3rd dose)	1 dose	1 dose OR History of disease
49-72 months	5 doses**** OR 4 th dose within last 6 months**** * OR 1 dose within last 2 months OR 3 doses with last dose on/after 4 th birthday	4 doses***** OR 1 dose within last 2 months OR 3 doses with last dose on/after 4 th birthday	3-4-doses with last dose on/after 1 st birthday OR 1 dose on/after 15 months of age (not required on/after 5th birthday)	3 doses*** OR 2 doses with 3 rd dose due 5 months after 2 nd dose OR 1 dose within last 2 months (Child must be at least 6 months of age for 3rd dose)	1 dose	1 dose OR History of disease

FOOTNOTES:

- * MMR must be given on/after the child's first birthday.
- ** All children are required to have received a dose of varicella (chickenpox) vaccine on or after their first birthday or a history of disease obtained from the parent/guardian or a physician documented in the child's file.
- *** 3rd dose of hepatitis B should be given at least 4 months after 1st dose and child must be at least 6 months of age. (All 3rd doses of hepatitis B vaccine given earlier than 6 months of age before 6/21/96 are valid doses).
- **** 5th DTaP/DTP/DT (Pre-school dose) must be given on/after the child's 4th birthday and may be given at anytime from 49 to 72 months of age.
- ***** Interval between 4th DTaP/DTP/DT and 5th DTaP/DTP/DT should be at least 6 months.
- ***** If 3rd polio primary dose administered on/after the child's 4th birthday, no pre-school dose needed. The 4th polio may be given anytime from 49 to 72 months of age.

**TABLE II.
KINDERGARTEN THROUGH GRADE TWELVE**

Vaccine	Minimum Number Of Doses Required	Additional Requirements
Polio OPV – Oral IPV – Inactivated	3	At least one dose of polio vaccine must have been administered on or after the child's 4th birthday. These 3 doses are required for all students, Kindergarten through 12th grade and Transfer.
DTaP- Diphtheria/Tetanus/ Acellular Pertussis DTP-Diphtheria/Tetanus/ Pertussis DT-Pediatric Td-Adult	3	At least one dose of DTaP, DTP, DT, or Td must have been administered on or after the child's 4th birthday. These 3 doses are required for all students, Kindergarten through 12 th grade and Transfer.
Measles (M, M/R, M/M/R)	2	The first dose must have been administered on or after the child's 1st birthday. One dose required of all students, Kindergarten through 12th grade and Transfer. The second dose must have been administered at least 28 days after the first dose. The second dose is required of all students Kindergarten through 12th grade and Transfer.
Rubella (R, M/R, M/M/R)	1	This dose must have been administered on or after the child's 1st birthday. This dose is required of all students Kindergarten through 12th grade and Transfer.

Vaccine	Minimum Number Of Doses Required	Additional Requirements
Mumps (M, M/M/R)	1	The dose must have been administered on or after the child's 1st birthday. This dose is required of all students, Kindergarten through 12th grade and Transfer.
Hepatitis B	3	These 3 doses are required before completing school year for all Kindergarten, 7th grade and Transfer students. ** 7th graders and Transfer students 11-15 years of age may use an alternative two-dose schedule.
Varicella (chickenpox)	1	The dose must have been administered on or after the child's 1st birthday. One dose is required for all Kindergarten students. A parent/guardian or physician history of disease may be accepted in lieu of vaccine.

*Doses of vaccine required for school entry may be less than the number of doses required for complete medical immunization. The Arkansas Department of Health recommends that a child receive by school age, 5 doses of DTaP, 4 doses of Oral or Inactivated Polio, 3 or 4 doses of Hib, 3 doses of Hepatitis B, 2 doses of Measles/Mumps/Rubella, and 1 dose of Varicella vaccine. This is based on an immunization schedule that ideally should begin within a few hours of birth.

** An alternative two-dose hepatitis B schedule for 11-15 year old children may be substituted for the three dose schedule. Only a FDA-approved alternative regimen vaccine for the two-dose series may be used to meet this requirement. If you are unsure if a particular child's two-dose schedule is acceptable, please contact the Division of CD/Immunization for assistance at 501-661-2169.

If the child does not meet the immunization requirements for entering school, the school is requested to refer the child to a medical authority (private doctor or health department) for immunization or consultation for when the immunization is due.

NOTE: Public health personnel are not to use the above chart to determine whether a child is adequately immunized medically. Use the Immunization Schedule.

CERTIFICATION

This will certify that the foregoing Rules and Regulations Pertaining to Immunization Requirements were adopted by the Arkansas Board of Health at a regular session of said Board held in Little Rock, Arkansas, on the 24th day of July, 2003.

/Signed/
Fay Boozman, M.D.
Director
Arkansas Department of Health

The foregoing Rules and Regulations, copy having been filed in my office, are hereby approved this 31st day of July, 2003.

/Signed/
Mike Huckabee
Governor